

Exhibit B

1
2
3 UNITED STATES DISTRICT COURT
4 EASTERN DIVISION OF NEW YORK

5 CASE NO. 1:18-cv-06127 (CBA) (RML)

6 MONICA MORRISON,

7 Plaintiff,

8 -vs-

9 ROBERT LANGRICK,

10 Defendant.
11 _____/

12
13 VIDEOTELECONFERENCE DEPOSITION OF MONICA MORRISON

14 Pages 1-305

15 September 25, 2020
16 10:07 a.m - 9:15 p.m.

17 Held via Zoom Videoteleconference - all
18 parties appeared remotely
19
20

21 Stenographically Reported by
22 Paul Cunningham, FPR
23 Florida Professional Reporter
24
25

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15 Also present: Carol Schrager, Esq., Miguel
16 Evangelista, Videographer & Robert Langrick

17 I N D E X

18	Witness	Direct	Cross
19	Monica Morrison	4	

20 Exhibits Marked for I.D.

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(Exhibits retained by Videographer)

1 she hushed me when I opened the door. I recall after
2 that, Rob asking if we could go somewhere. And I
3 recall at that point being confused but offering to
4 take him around other parts of the house. I recall
5 walking to the attic space of the house where there
6 are two rooms, the bunk room and the penthouse, which
7 was the first room I lived in at Panarchy. There's
8 also a small communal space in that area in the
9 attic, where I believe we were and then at that
10 point, we went onto the roof.

11 At that point, I recall Mr. Langrick kissing
12 me, and I recall consenting to him kissing me. I
13 recall he became aggressive while kissing me, and
14 that I felt very out of it. And during that time my
15 memory fades significantly. The next thing I recall
16 is being -- I don't know the word. Like, I recall
17 heavy petting, which included some forms of digital
18 penetration and then it was aggressive. And I was
19 very out of it. And my capacity was slipping in and
20 out at that point. And I remember feeling very
21 uncomfortable. I remember being snapped out of this
22 state of feeling very out of it when he uttered
23 something to the extent of I want you to piss in my
24 mouth. I was very shocked. I was very taken aback.
25 And I felt violated in that moment. And I got off of

1 minutes?

2 A. I believe within the first ten minutes we
3 were sitting in the cupola and that he began to kiss
4 me.

5 Q. Okay. Did you kiss him back?

6 A. Yes.

7 Q. Okay. And were your clothes on at this
8 time?

9 A. Yes.

10 Q. Were Mr. Langrick's clothes on at this time?

11 A. Yes.

12 Q. Okay. And when is the first gap in your
13 memory when you were in the cupola?

14 A. I would say shortly thereafter.

15 Q. Okay. And so you're saying it's around the
16 ten-minute mark you have a memory gap?

17 A. Yes.

18 Q. And what is your next memory in the cupola?

19 A. I remember feeling the sensation of heavy
20 petting.

21 Q. Okay. Can you describe that for me, what
22 type of heavy petting?

23 A. I remember my body being pawed at, and then
24 I was being touched aggressively in my genital
25 region --

1 Q. Okay.

2 A. -- extremely aggressively.

3 Q. What do you mean by aggressively?

4 A. I recall there being a strong pulling
5 sensation and that his hands were moving very fast.

6 Q. Where were his hands moving?

7 A. In my genitals.

8 Q. Okay. So were you clothed at this time?

9 A. I can't recall if my clothes were completely
10 removed or if my pants were merely pulled down.

11 Q. Okay. Was your underwear on?

12 A. I believe that it was pulled down.

13 Q. Okay. Do you recall what color your
14 underwear was?

15 A. No.

16 Q. Okay. Did you ever tell Mr. Langrick no
17 while this was happening?

18 A. I recall pushing him away, and saying that I
19 felt uncomfortable.

20 Q. And how did Mr. Langrick respond?

21 A. He continued to come at me.

22 Q. Did you cry for help?

23 A. No.

24 Q. Did you say no?

25 A. Yes.

1 was a nine or a nine and a half. So if I recall
2 penetration in my bed, that actually occurred in the
3 cupola, it would have been a result of my
4 intoxication and not a result of me intentionally
5 misrepresenting the record.

6 Q. So are you saying that when you provided
7 this interview to Captain Moran you couldn't
8 differentiate between what happened in the cupola and
9 what happened in your bed with Mr. Langrick?

10 A. I'm not saying that.

11 Q. Okay. What are you saying?

12 A. I'm saying that I believe what I told
13 Detective Moran at the time was the truth, and I also
14 told Detective Moran that my memory was hazy because
15 I was drunk on a level of nine to nine and a half was
16 my level of intoxication. To the best of my ability
17 to recall, I recalled what happened as I remembered
18 it to Detective Moran.

19 Q. Okay. I'm a little confused. Are you
20 saying here that when you're talking about vaginal
21 penetration by Mr. Langrick with his hand, that what
22 you Captain Moran could have happened in the bad or
23 could have happened in the cupola, and that you don't
24 remember?

25 A. It's possible. I don't recall exactly, and

1 like I said at the time, I was extremely intoxicated.
2 So to the best of my recollection, I recall what had
3 happened to me and relayed the information to
4 Detective Moran at the time.

5 Q. Okay. But you clearly told Captain Moran
6 here, and we can scroll up through the transcript if
7 you would like to do that, that Mr. Langrick
8 penetrated you with his finger while you were in bed.
9 Would you like to go up the transcript or can you
10 confirm that for me?

11 A. I can confirm here that I affirmed to
12 Detective Moran that I was digitally penetrated,
13 which is consistent with what I told you today.
14 Whether or not it happened in the bed or in the
15 cupola could've been due to misremembering due to
16 intoxication or could have been misremembered due to
17 the high pressure and anxiety of the situation. I do
18 not recall what I did at the time and what my
19 intentions -- my intentions were to tell the truth.
20 And my intention was to relay accurately what I
21 recalled. I did that to the best of my ability at
22 the time.

23 Q. Okay. Here in this transcript you told
24 Captain Moran that you visually saw Mr. Langrick
25 penetrating you with his fingers in the bed.

1 A. Can you show me where I say that? That I
2 visually saw him.

3 Q. Can we go -- well, let's just go through
4 this whole thing. Can we start at the previous page?

5 A. So 516?

6 MR. KAUFMAN: Didn't we see the -- is there
7 another line before what we're seeing on this
8 page?

9 THE VIDEOGRAPHER: That's the whole page,
10 counsel.

11 BY MS. TIMMANN:

12 Q. Actually let's -- can we -- I just want to
13 go through this whole thing since there appears to be
14 an issue. Can we go to 514, please? Okay. Let's
15 just start at the top.

16 Captain Moran asks, "All right. And what
17 was the lighting like in the room at that time?" And
18 you said, "Um." And he said, "Was there any?" And
19 you said, "Quasi daylight, we came home around six or
20 so." And Captain Moran said, "As far as it -- do you
21 remember any lights being on inside of the room."
22 And you said, "No. Just natural light. No
23 artificial light." And "Where was Jenna and her
24 boyfriend then; do you know?" That's what
25 Captain Moran asked.

1 And you said, "In a bed across from me. Um,
2 my bed's here. Her bed's there. There's two full
3 sized beds, there's about five feet of space between
4 the two." And Captain Moran asks, "Okay. Were they
5 awake?" And then you respond, "Um, they were. I'm
6 not sure, um, they were in and out of awakeness
7 because of the noise that was going on. They
8 probably went back to sleep at that point." And then
9 Captain Moran asks, "Okay. Um, and you say that you
10 woke up at one point; right?" And you said,
11 "Uh-huh." And then Captain Moran asked, "And, um, he
12 actually was naked?" And you said, "He was naked."
13 And Captain Moran asked, "How was that, that you were
14 under the covers or were you on top of the covers
15 then?" And you said, "Under the covers then, I
16 believe." And Captain Moran said, "How did you know
17 he was naked?" And you said, "I could feel him naked
18 on me." Captain Moran asked, "Okay. And how are you
19 laying?"

20 Ms. Morrison, this exchange are you
21 describing what happened between you and Mr. Langrick
22 in the cupola or in your bed?

23 A. I believe I was telling Mr. Moran,
24 Detective Moran what I remembered happening in my
25 bed.

1 Q. You believe, you don't know?

2 A. I don't know because I was so drunk and
3 remembering something to the best of my recollection
4 that I can't be certain. And his interview was in a
5 high pressure situation, so I can't be certain
6 whether I intended to relate the fingering incident
7 about the cupola or in the room. I can't be certain
8 if I remembered it incorrectly or if I meant to say
9 the cupola, but instead said the bed because I was in
10 a high pressured situation. I'm not sure, and I
11 don't know.

12 Q. Okay. Let's keep going.

13 You said, "I was kind of on my -- kind of on
14 my side but more on my back. I sleep in the fetal
15 position, but I had kind of moved on my back. And
16 Captain Moran asked, "Yep. All right. And you told
17 me that he was doing something at that point to you.
18 What was he doing?" And you said, "He was trying to
19 have sex with me. Um, trying to put his penis inside
20 my vagina, groping me with his hands."

21 Did you say that?

22 A. Yes.

23 Q. Okay. And when you said that, were you
24 referring to what happened in the bed between you and
25 Mr. Langrick?

1 A. I think so, yes.

2 Q. So it's still your testimony that you don't
3 know whether or not this happened in the bed or in
4 the cupola?

5 A. I know that when I was in bed, I was in the
6 fetal position. I know that Mr. Langrick was groping
7 me when he raped me in my bed. And I know that he
8 also groped me in the cupola. I'm not sure if my
9 later statement about him fingering me or referring
10 to him fingering me in the bed or in the cupola or
11 both. I'm not sure what I meant at the time.

12 Now, I remember him groping me in the cupola
13 during a heavy petting session, and I remember him
14 rapping me and using his hands to mash his penis into
15 my vagina and my anus, which I did not consider
16 penetration at the time because his penis was
17 flaccid. I now understand that due to this contact,
18 he made slight penetration because those two parts of
19 the body are an orifice.

20 Q. Okay. Is it your testimony right here today
21 then that at the time you did not think that was
22 penetration?

23 A. At the time, I thought that penetration
24 meant a deep penetration.

25 Q. All right. Can we jump to -- actually back

1 to 517, please?

2 Do you see where Captain Moran asks at the
3 top of the page, "Okay. Um, the law makes a
4 differentiation in the type of crime that occurs, um,
5 depending on what the person is doing to the victim."
6 And you said, "They were both penetration."

7 Do you see that?

8 A. Yes.

9 Q. Do you swear that comment was what you just
10 told me?

11 A. Yes. Because I told Detective Moran at the
12 time that I didn't want Mr. Langrick charged for
13 rape. And it was my understanding that his
14 penetration was less than rape. I've now since come
15 to understand that his slight penetration included
16 rape, as well as his digital penetration, either in
17 the cupola or in the bedroom. And that all of it was
18 actually rape.

19 Q. Where did you tell Captain Moran that you
20 didn't want Mr. Langrick charged with rape?

21 A. I can't recall. Somewhere in the transcript
22 I believe there is some kind of -- and if it's not in
23 the transcript, it was an informal conversation where
24 I said I didn't want him to go to jail forever or
25 something like that, to that affect. I don't

1 remember exactly what I said.

2 Q. Okay. What was your point of reporting this
3 to the police then?

4 A. Because I believed what happened was a
5 crime. I believed what happened was a violation. I
6 believed what happened would affect me for the rest
7 of my life. I believed that I was having
8 nightmares -- and nightmares about it. I believed
9 that I was traumatized. And I believed that it was
10 important to memorialize this for the police report
11 to create a record of it. I believed that based on
12 what I had heard from a sexual abuse peer advisor at
13 the time, who warned me about the pitfalls of going
14 forward should I formalize an investigation or
15 complaint.

16 And so when I went to safety and security, I
17 decided first to make a formal complaint with the
18 college, with the department of safety and security
19 and then later make a formal complaint with the
20 Hanover Police Department.

21 Q. Okay. Let's go back to the top of this
22 page. So after you say, "There was penetration."
23 Captain Moran asked, "Okay. Describe that to me as
24 to how that occurred." And you said, "Um, he was
25 stuffing his flaccid penis inside my vagina and it

1 penetrated slightly." And Captain Moran said, "Okay.
2 So he was inside of you?" And you said, "Inside of
3 me." Do you see that?

4 A. Yes.

5 Q. Okay. And then Captain Moran asked, "Um,
6 and you said that he was touching you with his hands
7 too. Um, did he make any other penetration?" And
8 you said, "With his hands, um, in my vagina not -- he
9 didn't penetrate anywhere else."

10 Do you see that?

11 A. I do.

12 Q. How do you swear that was your testimony
13 earlier that Mr. Langrick also penetrated your anus?

14 A. He made contact with my anus, which is an
15 orifice. And when he did that, because the anus is
16 an orifice, he made slight penetration with my anus
17 when he touched it.

18 Q. When he touched it with his penis or his
19 fingers?

20 A. It doesn't matter. And I don't know which
21 mash of flesh he touched against my anus, it's behind
22 me, so I couldn't see it.

23 But it's my understanding that the FBI
24 determines that rape is penetration no matter how
25 slight and that the object of penetration isn't

1 relevant. I will also add that what I said in this
2 statement that he penetrated me with his hand, I did
3 not clarify to Detective Moran where that penetration
4 with his hands occurred, what time of day it was,
5 whether or not it was in the bed. And I'm not sure
6 whether that was in error or a misremembering or it
7 was just improperly placed due to context.

8 Q. I'm sorry. Can you say that again? I
9 didn't understand it.

10 A. Did the court reporter get what I said? Can
11 he read it back?

12 THE COURT REPORTER: Do you want me to read
13 it back?

14 THE WITNESS: Yeah, I don't want to misstate
15 something and then be held again for having to
16 repeat something twice and not repeating it
17 perfectly. So I'd rather you read exactly what I
18 said for Ms. Timmann's clarity.

19 (Thereupon, the answer referred to was read
20 back by the reporter.)

21 BY MS. TIMMANN:

22 Q. Okay. Is that an accurate interpretation?

23 A. I believe so. But like I said before this
24 is an extremely psychologically triggering subject
25 for me to discuss. So it's very hard for me to

1 recall things at the moment.

2 Q. Okay. Go to page 518, please.

3 Okay. I'm just going to read this whole
4 page. So you say or actually, it starts at the
5 bottom of 517. I'm going to actually -- okay.

6 So Captain Moran says, "Yep, and can you
7 describe that? For example, was it a slight
8 penetration or was it a deep penetration?" And you
9 responded, "It was a deep penetration, more than one
10 finger." And Captain Moran said, "You mean
11 together?" And you said, "Yeah, like so." And
12 Captain Moran said, "Do you have any sense on --
13 you're doing fine. Do you want to take a break?"
14 And you said, "No, it's okay." And then
15 Captain Moran asked, "Do you have any sense now as to
16 which hand he used?" And you said, "I have no idea."
17 And then Captain Moran asked, "No. But you knew it
18 was his hand?" And you said, "Yeah." And
19 Captain Moran said, "And how did you know that?" And
20 you said, "I could feel it. I know what a hand feels
21 like." And then Captain Moran said, "Okay. So he
22 was doing that?" And you said, "And I saw his hand."
23 And Captain Moran said, "Down there?" And you said,
24 "Yeah." And Captain Moran said, "Okay. What were
25 you doing then?" And you said, "Laying down, not

1 moving. I was asleep when he had been, I guess,
2 doing it to me for an undetermined period of time.
3 And, um, I only woke up when he started moaning very
4 loudly, and I heard my roommates calling my name."

5 Do you see that?

6 A. Yes.

7 Q. Okay. And Captain Moran said, "Okay. So is
8 it your belief now, Monica, that he was actually, um,
9 penetrating you before you woke up?" And you said,
10 "Could have been. I don't know that he was but he
11 could have been."

12 How can you say that you were confused about
13 what you were telling Captain Moran as to where this
14 penetration occurred, whether it was --

15 A. Because I was a nine to nine and a half on
16 the drunk scale and trying to the best of my
17 recollection to recall very traumatizing events.
18 Whether or not I recalling the fingering in the bed
19 or the cupola, I did recall Mr. Langrick fingering me
20 while I'm unconscious. I'm not sure how I can swear
21 it, other than to say I was shit house wasted, passed
22 out for part of it. And intoxicated more than I've
23 probably ever been in my life that night.

24 Q. Okay. But you told Captain Moran that you
25 saw Mr. Langrick's hand in your vagina while you were

1 in the bed; is that right?

2 A. I did tell him that, yes.

3 Q. And now you're saying you're not sure if
4 what you told Captain Moran is true; is that right?

5 A. No, I'm not saying that. What I'm saying is
6 that I'm not sure if what I told Detective Moran was
7 chronologically correct. But I believe that the gist
8 of what I told him and the number of violations that
9 happened and the description of those violations to
10 be true, and I believed that what I said at the time
11 was the truth.

12 Q. Okay. But you told Captain Moran you saw
13 Mr. Langrick fingering you in the bed and that you
14 saw his fingers in your vagina in the bed; right?

15 A. Yes.

16 Q. And now you're saying you don't know if his
17 fingers penetrated you in the bed; is that correct?

18 A. I don't recall at this time, no.

19 Q. Can we take a quick five-minute break?

20 THE VIDEOGRAPHER: Going off the record at
21 4:03.

22 (Thereupon, there was a brief recess.)

23 THE VIDEOGRAPHER: Back on the record at
24 4:25.

25 BY MS. TIMMANN:

CERTIFICATE OF REPORTER

I, Paul Cunningham, Florida Professional Reporter, certify that I was authorized to and did stenographically report the deposition of Monica Morrison, pages 1 through 305; that a review of the transcript was requested; and that the transcript is a true record of my stenographic notes to the best of my ability.

Dated this 5th day of October, 2020.